

Notice of Allowability

Application No.

10/759,067

Examiner

Michael J. Zanelli

Applicant(s)

YAMAMURA ET AL

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 1/20/04.
2. ☒ The allowed claim(s) is/are 3,10-60,62-66 and 68-74.
3. ☒ The drawings filed on 20 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/226,232.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/20/04;7/21/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This application is acknowledged as a Division Application of S.N. 10/226,232 filed 8/23/02. The preliminary amendment filed 1/20/04 has been entered. Applicant has presented claims indicated as allowable in the parent application, including changes to correct 112/2 deficiencies and rewriting dependent claims in independent form, and canceled those claims still pending in the parent application. Thus, claims 3, 10-60, 62-66 and 68-74 are currently pending.
2. The IDS filed 1/20/04 and 7/21/04 have been considered as indicated. As noted in the parent application, Japanese document 2000-54860 has not been considered because applicant failed to provide a statement of relevancy or translation as required. 37 CFR 1.98(a)(3)(i).
3. The following is an examiner's statement of reasons for allowance:

Claims 3, 10-60, 62-66 and 68-74 are distinguishable over the prior art. As per claim 3, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, environment information which includes road condition determined by lateral deviation of the vehicle from a lane and by curvature of the lane. As per claims 10, 11, 12, 57, 62, 65, 69, 70 and 73, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, modulating reaction characteristic to manual effort applied to an accelerator and/or brake of the vehicle. As per claims 13, 24 and 70, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, determining a first and second extent (claim 13) or determining an extent and a period of time as a function thereof to determine a future quantity of the extent as claimed

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(claims 24, 70). As per claims 38, 53, 58, 60, 63, 64, 71 and 72, the prior art of record does not show or reasonably suggest, in combination with the other claimed subject matter, prompting the operator to operate the vehicle at least longitudinally based on the perceived risk. Dependent claims 14-23, 28-37, 39-52, 54-56, 59 and 74 are distinguishable for at least the same reasons noted above.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 5:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MICHAEL J. ZANELLI
PRIMARY EXAMINER

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